

Statement by Colonel McKerlie upon the Report of the Committee of Inquiry on the Board of Works, Ireland, 1878.

Presented to both Houses of Parliament by Command of Her Majesty.

AVAILING myself of the opportunity so considerably given to me by Sir Henry Selwin Ibbetson of offering any observations I might desire to make on the report of the Committee of Inquiry into the Irish Office of Public Works, I beg to submit a few remarks on some of the leading points adverted to, conclusions arrived at, and recommendations made by the Commissioners, the great scope of the report and variety of the subjects dealt with rendering it undesirable, as I would trust it may be unnecessary, that I should too largely take advantage of the privilege which has been accorded me.

I would beg to preface my remarks, however, by expressing the deep pain with which I have perceived that in some instances the administration of the business of the department, for which I am primarily responsible, has not met with the approval of the Committee.

In some of those instances had it occurred to me that any unfavourable impression existed I venture to think that, with the further explanations I would have asked to be permitted to give, I would have been enabled to remove them, and, in others, to show that no other course than that adopted by the Board in the circumstances in which they were placed could have been taken.

The remarks I refer to come under two distinct heads—the first, those arising out of the direct examination by the Committee into the mode of conducting the business of the Board themselves; the second, those resulting from inquiry into the statements of persons coming forward to complain.

The first point under the former to which I would beg to call attention, and on which to offer explanation, is that the instructions referred to in paragraph 15 are, as a rule, framed by the Board, sometimes so by parliamentary enactment, and submitted for approval by the Treasury and are seldom altered, and whatever may be the impression, I feel assured that an examination of the rules submitted could not fail to show that no illiberal spirit actuated the Board.

The rules with reference to the first subject dealt with, viz.

Labouring Classes Dwellings,

Division I.

will illustrate this, and for the Board's views and course of action I would beg to refer to the statement submitted by me to the Committee, which will be found in page 49, A., of the evidence.

In Trimble's case, referred to in paragraph 24, I would here beg to add to the evidence I gave on the subject—which was to the effect that the loan was declined on the ground that the town of Belfast being already amply provided, and indeed overstocked with dwellings of the same inferior class as those Mr. Trimble proposed to erect, the want which it was the object of the Act to meet did not exist—that had aid towards the erecting a really improved class of dwelling been sought for, the Board would unhesitatingly have recommended the Treasury to grant it.

I would beg to refer also to the explanation given in Reynolds' case, page 51.

With regard also to the comparison between the amounts applied for and lent in England and Ireland, I would beg to point out that the cause of the disproportion in the latter country was the failure of a large number of the applicants to comply with the legal requirements, and if to any cause connected with the obtaining of loans their paucity is to be attributed, I would suggest whether to that difficulty the result might not be more properly attributed.

Under any circumstances the increased facilities subsequently given, as referred to in paragraph 26, do not appear to have induced a greater number of applicants to come forward.

DIVISION II.

Division II.

Sanitary Loans.

No actual reflection is made on the Board's action in respect of these services, though it is yet intimated that in certain matters they might have sought for instructions with a view to more widely extending the benefits of the Act.

I can but say that it has been the anxious desire of the Board to remove any difficulty and grant every facility for the extension of the objects of the Act up to that

point where, as in the case of Kingstown, rival parties proposed different schemes, their giving their opinion in favour of one project over the other would, in the event of an unsatisfactory result, have involved the Government in the responsibility.

In the Kingstown case, it may be observed, the drainage project has not fallen through—see paragraph 54—but is about to be carried out according to the wet pier plan, to which their Lordships' assent has been asked for, and given.

Division III.

DIVISION III.

Railway Loans.

There is but one case here on which unfavourable criticism is made.

In that case I would beg to refer to the evidence, and would respectfully beg to observe that at no time did I waver in my opinion in regard to the matter, an opinion in which both my colleagues most fully concurred.

From the first it was considered a very speculative case, and one in which, but for the assistance granted by the Public Works Loan Commissioners, we would not have felt justified in recommending the loan applied for. The delay complained of did not arise with the Board, but was due to the time (six months) which the applicants took to reply to the proposition made in September 1875, and during which time the special instructions of the Financial Secretary of the Treasury altered the requirements in the case. Subsequently to receiving the reply of the Railway Company to the new conditions, which they were unable to comply with, a few weeks delay—occasioned by pressure of work as far as I can recollect—occurred with myself in determining the course to be taken; a delay, however, which I was on the point of terminating by submitting anew the case to the Treasury, with a recommendation that under the special circumstances of the case the new condition might be dispensed with, when an application from the Railway Company for the return of a particular paper, which could only be regarded as indicating an intention to seek a loan from other sources—and which paper was accordingly returned—caused the further consideration of the matter to drop. From that time to the sitting of the Committee, when the complaint was brought forward, nothing further was heard on the subject.

On that occasion, however, the impression that the loan had been absolutely refused was removed, the result being a further application to the Treasury, which, on the Board's recommendation, has been granted. I venture to submit, therefore, that the difficulties which arose in this case, and the delay in arriving at a settlement, are not such as the Board can be held responsible for.

As regards the general spirit in which the Board have administered this branch of their duties—and I may add of other projects of an analogous description, as harbours, &c.—I may be permitted to observe that, in the consideration of the applications made to them, and in the representations they have made to the Government on the subject, they have always felt, and stated, that in the enactments conferring on them power to advance money by way of loan in aid of such works, the presumption of such an uncertainty of results or of risk as might deter private persons from subscribing to them was to be inferred—a risk, however, which looking to the benefits, not only local but national which such works conferred, rendered it advisable and justifiable for the Government to incur—while, at the same time, taking every possible precaution by inquiry, examination, and arrangement of conditions to secure against loss. And on these principles the Board have acted in all the various cases which have come before them.

Division VIII.

Arterial Drainage.

DIVISION VIII.

In the remarks on this subject, paragraph 112, and in describing the constitution and action of the Special Commissioners, an inaccuracy appears, which it may be well I should point out as one of the two Special Commissioners referred to.

I may observe I had nothing to do with the designing or carrying out of the works, my duty being confined to seeing to their being brought to an immediate close, according to limitations already determined by the Treasury; and to the ascertaining what would be a fair amount to charge the proprietors with for the benefit received.

That amount was ascertained by, in the first place, having a careful survey made of the extent of lands unimproved, and then employing an independent valuator (whose instructions were to give the benefit of any doubt to the proprietors) to ascertain the value of the benefit.

The principal sum to be paid in each case, I may add, was arrived at by taking 14 years purchase of the valuation, the result of which was that the charge became

redeemable under the form of an annuity extending over 22 years, the annual instalment being under the benefit received.

Under this division a case of complaint in respect of the Hind River District is Hind River, adverted to and commented on.

I cannot but feel that this case has been misapprehended by the Committee— See Appen-
no doubt from there not being sufficient time to give full explanations at the inquiry, dix, pp. 8,
and I earnestly beg their Lordships to refer to the Board's recent report on the whole 10, 11.
case, and to their Lordships' decision thereon, appended.

It will be seen that in the part of the case which goes back to the time of the Award, in 1859, Mr. Fawcett was most liberally dealt with, and that the impression of the works being incompletely carried out is erroneous; and, in regard to the second part, the question of maintenance occurring last year—which is also referred to in the report—I would beg to observe that the correctness of the opinion I had formed in regard to the proper course to be taken and the effect of the shoal outside was not only fully admitted by my colleague, Mr. LeFane, by the Assistant-Commissioner, Mr. Roberts, and by the Board's engineers, but was also fully supported by Mr. Fawcett's own engineer, Mr. Lynam, in a report received by that gentleman about the time of the inquiry.

I would beg to add, with reference to the remarks made by the Commissioners, that not only was the utmost consideration given to the matter, involving, as it did, legal difficulties, but there existed on the part of the Board the most anxious desire to give the Maintenance Committee (Trustees) all the assistance in their power.

It is with deep regret I find my efforts to have been misunderstood and unappreciated, and it may not here be out of place to point out that the Drainage Maintenance Act, under which the matter in question has arisen, was initiated and suggested to the Government and its outlines prepared by myself.

Another case under this division referred to is that of the Galway Mills.

Galway
Mills.

It involves two points,—

- (1.) The fairness of the charge imposed on the millers for improvement of water power, and
- (2.) The absence of any power to appoint trustees.

In regard to the first, I would beg to refer to the Board's report of 18th July 1871, see page 140, Ap.

That report will, I feel assured, bear out the claim which is made for the liberal spirit in which it was the desire of the Board to deal with the millers.

When their recommendations are looked at, and it is seen that while the millers consented, pursuant to their unanimous application, to the improvement of their water power at a cost of 11,000*l.*, that the actual outlay was 31,000*l.*, and that the actual charge amounts to only 7,000*l.*, (in addition to which there is a charge of 4,000*l.* for new machinery supplied to certain of the millers on their special application, at prime cost and without interest, and which sum is not included in the above general expenditure) that claim cannot but be admitted.

The allegation that the award was made arbitrarily, and that the result of the operations had been an actual diminution of water power, will also, I feel assured, be seen to be without foundation.

The fact was, the millers had the fullest opportunity of representing their views on the draft award, and large concessions were made, while the full amount of improved water power promised was brought home to the millers' doors, and only required that they themselves should take steps for its application, which, in several instances, they did.

The Committee observe that it would have been proper that the millers should have been afforded an opportunity of stating their views with reference to the application to the Government in 1872.

I much regret that that was not done, but I beg to observe that the Treasury simply called for a report on the application, on referring it to the Board, and the main points being only such as the engineer (Mr. Roberts) who carried out the works could have any knowledge of, the necessity of consulting the millers did not appear, and the information to enable the Board to report to the Treasury was sought for from that gentleman alone. A reference to that report, and to recommendations of about the same period, will show the spirit of justice and liberality towards the millers which actuated the Board at that date.

With regard to the power to appoint trustees for the care of the water courses, I beg to observe that it was a point raised at the time of making the award, and was legally

negative; and I can only suppose,—Sir Richard Griffith being Chairman of the Board at the time,—that the reason why no steps were taken to supply the omission was, that while the care of the most important part of them [the works] was duly provided for by being confided to the Drainage Trustees, the remainder could, without risk, be left to the management of the millers as a body in the same manner as they had been before the improvements were made.

In 1872, however, in consequence of a dispute between two of the millers brought to my notice, I personally requested Mr. Roberts, then county surveyor and general adviser of the millers, to ascertain their views in regard to obtaining parliamentary powers to appoint trustees. He convened a meeting, and receiving their general assent to the proposition, I lost no time in having a bill prepared.

Delays have occurred, but they are due to difficulties put in the way by the millers themselves, demanding that further pecuniary concession should be provided for in the bill, which the Board informed them they had no authority to put forward, and to other causes not arising with the Board.

Several bills have been prepared, one by the Board in 1873, others at different periods, and, finally, one by the Government themselves last year, which has been introduced into Parliament this session.

It will, I feel assured, be seen that the Board have in no way been wanting either in their motives or action in this matter. And, looking to the fact that the proposition originated with myself, I trust that the unfavourable comments may be deemed to be attributable to the fact of the circumstances not being fully explained to the Committee.

I would further, in leaving this division of the Report, beg to repeat what I pointed out to the Committee during the inquiry, that out of 2,309 proprietors whose interests were affected by those awards in which I personally had a part, I am not aware of any other instance beyond those adverted to in the report, viz., two as regards drainage and one in respect of mill power, in which after that full inquiry which on their representations based on the draft awards was made, any cause of dissatisfaction has existed.

Island Navigation.

Division X.

DIVISION X.

Shannon navigation.

Referring to the observations of the Committee in regard to the Shannon navigation, I would beg to point out that the views and acts of the present Board, as representing the former Shannon Commissioners, have not only been entirely misunderstood by the public, but also, to my deep regret, by the Committee of Inquiry. The actual facts of the case I also regret to find have failed to be correctly conveyed to them.

The first attention of the present Board was directed to the navigation by the disastrous effect of the heavy summer floods of 1860-1. On that occasion, the Board, looking to the numerous complaints, and to the allegations that the works of improvement had actually aggravated the liability to flooding, advised the Government to have an independent inquiry made by Mr. Bateman, the eminent hydraulic engineer, whose employment having been approved, his report, it is begged, may be referred to.

Desirous of doing everything in their power to reduce the risk of injury from any recurrence of floods, the Board, with the Treasury sanction, expended a considerable balance in their hands (over 2,000*l.*) in improving the watercourse, especially at Killybeg and at Laneborough. They also had a report from their own engineer as to the cost of carrying out a general measure of improvement which would obviate the evils complained of; and on the estimate so obtained, viz., 150,000*l.*, and on the Board's recommendation, Mr. F. Peel's letter of April 1865, holding out promises of aid to the proprietors, was issued.

That offer, so made, was not accepted by the proprietors.

Subsequently, in 1867, special projects and estimates for the improvement of the river were made by Messrs. Bateman and Lynam respectively, by authority of the Government, and, at the same time, surveys of the injured lands and valuation of the benefits to be derived by them from the works were also undertaken by Messrs. Brasington and Gale on behalf of the Government, and Mr. Lynam on behalf of the proprietors.

The valuation was fully agreed on between the valuers, and the Government thought it prudent to adopt Mr. Bateman's plan, though the more costly.

Delays took place which in no degree were attributable to the Board, and ultimately an Act was passed in 1874 authorising the works, and granting a contribution of one half of the cost out of the public funds.

That offer, so made, fell to the ground through the proprietors declining to contribute the moiety required of them, on the grounds that the charge would be too great and that they desired generally to retain the winter floods as beneficial, and thus the matter now stands.

I must observe, however, with a view to putting the Board right before the public, that they have invariably advocated the desirability of improving the river, and of public aid being given towards the measure. They at the same time, however, felt it their duty to point out, when required, that there was a misconception on the part of the proprietors and occupiers of flooded lands in regard to the works executed by the Shannon Commissioners having aggravated their injuries.

I would beg to refer to the tables in the Appendix to the Report of the Select Committee on Shannon River of 1868, from which it will be seen that the liability to summer flooding is greatly reduced from what it formerly was.

Taking the case at Shannon-bridge—the centre of the most important reach of the river—it will be seen that while in 6½ years before the works of improvement were commenced, the lowlands had been flooded during, on an average, 188 days each year, of which an average of 19 days were in the four summer months. In the 19 years after the completion of the works, the annual average days of flood was only 47, of which an average of one day only in each year was in the summer months.

In point of fact the liability to injury from floods during summer is very rare, being not more than two or three times during the last twenty years, and this is what no doubt led the proprietors to reject the proposition made in the Act of 1874.

I may also observe that the extent of lands formerly flooded was reduced from 32,000 acres to about 20,000 by the works; and further, that the Board have not allowed the Shannon to be an obstacle to carrying out the improvement of the Sack District, it being now about to be undertaken—a provisional order having been confirmed by Parliament for that end.

I trust these explanations may remove the impression that the Board have in any way either been apathetic, or have thrown any difficulty in the way of carrying out the improvement of the river.

Another navigation which is commented on is that called the Ballinamore and Ballycornell. Ballinamore
Canal.

In regard to that navigation, I would beg a perusal of the Special Commissioners' Report (printed).

The incomplete state of the works was there fully stated, and it was in consequence of that that the Commissioners recommended that of the whole cost, amounting to 198,000*l.*, the sum of only 30,000*l.* should be charged, the moiety to which the counties were originally made liable being 45,000*l.*

The fullest opportunity was given to all concerned to consider and object to the report and its recommendations if they thought fit to do so; and it was not until after the award was made final, and the canal was about to be handed over to the trustees, that Mr. Pratt, the county surveyor, and their engineer, put forward the statement of defects and estimate of making them good.

The Board had had the canal carefully examined, and defects made good, before the award based on the Report of the Special Commissioners was made final. They had no power to incur further expense, and so intimated to Mr. Pratt. At the same time they satisfied themselves, by reference to their engineer, that the statement was exaggerated, if not to a great extent unfounded.

In this matter too I trust it will be seen that no just reflection can be made on the Board.

Passing on to the XX. Division, Buildings and Supplies, I feel it to be necessary Division XX. and beg leave to offer some explanations on those points which are therein commented on.

1. Par. 241. It has been from no omission or oversight that the proposition to give national school teachers an allowance for small repairs has not been acted on, but from a conviction arrived at by the Commissioners and Assistant Commissioner after full consideration, that the results would prove unsatisfactory.

Under the existing system teachers are authorised to have small and urgent repairs, as well as whitewashing, carried out by local tradesmen, sending the bills to the district clerks of works, who take the earliest opportunity of examining the work and certifying the bills if found correct. No inconvenience arises, nor is any more time expended than would be required if the allowance system was adopted, while at the same

time under such a system there is every reason to apprehend that the repairs would not be duly attended to.

Supplies.

2. In regard to supplies (par. 243) and the system under which they are obtained, I would beg to explain that from the time I took charge of the department it has been my object to amend the practice which I then found in operation, requiring tenders to be obtained for every article possible, obtaining samples where practicable, and seeing that the proper quality of goods was delivered.

And to a great extent I have succeeded; my special instructions to the Assistant Commissioner and Architect have been to that effect as the returns show. The adoption of the system continues to extend, and if not yet complete it is due to difficulties which have presented themselves not easily overcome.

Inventories

3. With regard to inventories, it is a duty I owe to myself to point out that for some two or three years before the sitting of Lord Lansdowne's Committee I drew the attention of the Treasury to the subject, pointing out the want of proper inventories, and the inability of the then furniture clerk to prepare them, and asking at the same time for the aid of an assistant furniture clerk.

These facts were brought to the notice of Lord Lansdowne's Committee, and the correspondence I think had before them.

In the schedule of the re-organisation staff, however, no provision for an additional furniture clerk was made, and, having regard to the general tenor of the correspondence which then took place with the Treasury on the general question of the staff, the Board did not think it then proper to press for the appointment.

On the appointment of a new furniture clerk, which took place shortly after on the resignation of the clerk—who to that time had endeavoured to perform the duty—special instructions were conveyed to him through the Assistant Commissioner—in whose branch the duty lies—to proceed with the making out of new, and perfecting of former inventories with as much expedition as possible; and to a great extent he has done so. Heavy and increasing pressure of work has, however, prevented their being completed though not being overlooked; and the applying for additional permanent assistance had, in fact, been decided on before the inquiry now being referred to.

Furniture allowances.

With regard to the granting of allowances in lieu of furniture, it is a matter of considerable difficulty which the Board have not seen their way to carry out, but which at the same time they have always kept in view, and with regard to which they have had special communications with the National Education Board.

Fuel.

4. With regard to the supply of fuel I can only say that the Board have done their utmost to ensure the service being economically and satisfactorily carried out. The rules originally made, on the transfer of the service to them, were based on the forms in use in the Public Works Office in London, and, in the first year of the supply, through the careful inquiry and arrangements made, a saving of over 2,000*l.* was effected, and that amount was subsequently largely increased. The instances of complaint of any kind have been very few indeed. In one case, in 1875, a fraud in regard to the delivery of coals in Dublin Castle [in which the coal porter and a subordinate servant of the Board were concerned, and the latter dismissed] was discovered; but of no other case of the kind are the Board aware. That case, however, led to a complete revision of the regulations, which, so revised, were submitted to and approved by their Lordships. The irregularities in regard to the supply of coals as regards quality the Board are unacquainted with, no complaint having ever reached them, with the exception of one from the Paymaster General's Office which was fully inquired into with the result which was reported to the Treasury.

The Board have used every means in their power to check and detect any irregularities should they arise, and more attention to the subject than is given it is, I feel, almost impossible—without at least a greatly increased staff—to bestow.

Tenders.

With regard to the practice of opening tenders it is that which has prevailed since I have been connected with the Board; but as regards their acceptance—with the exception of those connected with the engineering branch, which are examined by the Commissioner in charge of that branch—all, great and small, are brought to the Chairman, and examined and accepted by him; and, where there are competitive tenders, in no case is a lower rejected for a higher without the fullest inquiry.

I trust, therefore, it will be seen that their Lordships' desires have been very fully carried out.

The remarks in this division having immediate reference to the preceding, under Division XXI, I beg most respectfully to observe that the Committee are under

an entirely erroneous impression in regard to the action taken by me with reference to the report of Lord Lansdowne's Committee, a copy of which report was conveyed to me privately for my observations before being acted on by the Treasury.

Report of
Lord Lans-
downe's
Committee.

I handed it, after perusing it myself, to my colleague, Mr. Le Fann, and to the secretary, for their perusal, and after conferring with the former, submitted to the Treasury a series of remarks which led to certain modifications in the recommendation made, in conference with the Commissioners of Inquiry.

Subsequently, on receiving the Treasury Minute bearing on the report, copies of the report for the use of the office—not one having accompanied the minute—were applied for, but were not obtained.

The Minute, however, has been, to the fullest extent in my power, acted on—instructions, in conformity with the recommendations in the report, having been given not only to the Assistant Commissioner but to other members of the staff affected also.

My own copy of the report I placed in the hands of the private secretary for the general information of the staff, and has been examined, I believe, by many of them.

It deeply pains me to find my action—or rather supposed avoidance of action—in the matter so unfavorably commented on. I feel that to have ignored the recommendations of the report would have been to indicate a want of respect and deference to their Lordships' wishes—conduct utterly inconsistent with the anxious desire I have, I trust, ever evinced to conform to such wishes to the utmost extent in my power.

I would only beg to add that the inquiry here in question was granted on my own urgent application with a view to obtaining additional assistance and increasing the efficiency of the department.

Division XXI.

Miscellaneous Complaints.

Paragraph 261.

A few explanations only I beg to offer on these cases.

In that referring to Howth Harbour, I would beg to remark that the primary consideration of the Board in appropriating the very limited space available on the pier was, that, in the interests of the fishermen, it should be devoted to such purposes as the establishment of pits and boilers for barking nets, stores for supplying fishing gear, spars, &c., coals and salt, which, locally, did not exist, while of provision stores there was no want—and to those purposes, in fact, the whole space has been appropriated.

Paragraph 264.

In this case [Wilson] I would only observe that I had been under the impression that the matter had entirely dropped several years ago [I think 7], and it was not until the occasion of the inquiry I became aware it had been revived, the Board's solicitor,—in whose hands the matter rested,—having, on his own responsibility and without my knowledge, on being moved thereto by Mr. Wilson's solicitors, thought it his duty to continue to oppose the claims put forward.

Paragraph 267.

With regard to the correspondence referred to in this case [Mr. Fishbourne's] I beg to observe that nearly all the communications received were merely the enclosing of copies of letters addressed to the Midland Great Western Railway Company or the Government, and were generally of such a character as to call for nothing beyond an acknowledgment. The letters themselves, which are printed, will make this fully apparent.

Paragraph 270.

With regard to this matter, I would beg to point out that the communications from Mr. Litton, as Secretary of the Committee for the Benchet's Library, were addressed privately to the Board's architect. They never came in any shape before the Board, or within their cognizance, and I submit, therefore, it was not in the power of the Board to have conveyed to the Library Committee the information which, it is remarked, it would have been desirable to send.

In each of these cases, if deemed of sufficient importance, I would ask a reference to the evidence given.

I venture to hope, and cannot but think, that the foregoing explanations may have the effect of materially modifying the aspect of the several matters to which they refer, and had the facts, as now stated, been fully understood by the Committee, I cannot for

a moment believe that the opinions expressed in paragraphs 281 to 285, and in 288, would have been entertained by them.

Had it occurred to me,—as before observed in the earlier part of this explanation,—as the time of the inquiry, that any unfavourable impression could have arisen, I would have sought to put forward such statements as, I feel assured, could not have failed to remove such impressions; but, even assuming that in some, or even all, of the matters animadverted on, error of judgment, uncalled for delay, or other circumstances calling for unfavourable remark were apparent, I would yet ask that looking to the vast extent and multifarious nature of the Board's duties, their relations with not only all the public departments and with numerous local bodies and companies throughout the country, but also their transactions with a large proportion of the landed proprietors, clergymen, and private individuals (as evidenced by the fact that at the present time there are over 7,000 outstanding or open loans spread over the entire length and breadth of the land), it may be considered what is the just weight to be given to these few instances.

With every possible deference to the Committee, I cannot but feel, and feel painfully, the reflections made on the Board's action, few though the cases may be to which they apply, and on myself, as its responsible head, to be unmerited.

One term which has been applied I feel to be especially hurtful, namely, that of vacillation, understood to be in reference to the loan applied for by the Rosslare and Wexford Railway Company.

I would respectfully ask their Lordships' consideration whether, under the actual facts of the case as now represented, the term can be regarded as justly applicable? In no degree, and at no time, did my opinion in that matter ever vary, and while the precautions taken were the inevitable result in so doubtful a security, the delays were almost entirely on the side of the applicants for the loan.

A strict adherence to the line of duty, and to opinions formed on mature consideration, would, I could have hoped, from the facts before the Committee, have been regarded as more correctly characterising my conduct.

I beg to add a few words in regard to the administration of the department. The organisation has been admitted, I believe, to be without fault, and it may perhaps be accepted as a proof of this that there are no arrears whatever in any branch of its business, nor can any failure to give immediate attention to any call for the exercise of its powers and duties be pointed to.

The spirit by which the Board is actuated has, however, unfortunately been unknown to and misunderstood by a certain section of the public.

It has ever been the desire of the Board to administer the duties with which they have been charged in the most liberal spirit, and to extend to the utmost of their power the benefits which the various Acts of Parliament, with the carrying out of the provisions of which they have been entrusted, have been designed to confer.

It is with reluctance I allude to my personal efforts, but, under the circumstances, I feel constrained to point to the numerous measures for the advantage of the country I have initiated, several of which have received the sanction of Parliament, and also to my recommendations to Government, some of which have been adopted, while financial considerations alone, as I believe, have caused others to be left in abeyance.

I trust that these my observations and explanations may be regarded by their Lordships as entirely vindicating my conduct of the public duties entrusted to my management and care.

2nd July 1878.

J. G. McKENZIE.

APPENDIX.

(1.)

STATEMENT in reply to Mr. Fawcett's complaints put forward in his Memorial received at the Treasury on the 29th January 1878, and referred to this Board.

In his memorial Mr. Fawcett complains of three separate matters, viz.:-

1. That under the award made in respect of the Hind River Drainage District in 1856 he was unjustly and arbitrarily treated by the Board in being charged a sum of about 1,400*l.* for improvement to his lands conferred by the works of that district but which charge he considered to be altogether excessive, "inasmuch as his lands, being almost on a level with the Shannon, could derive little or no benefit from such works," and which he accordingly objected to at the time of the striking of the said award, and a further cause of complaint in connexion with the same award is referred to as having been represented to the Treasury in a memorial in 1858.

2nd. That in the Schedule of lands proposed to be charged for improvement under the Shannon Improvement Act of 1874, a large portion of his lands already charged for as having been relieved from Seed under the Hind Drainage Award was included, and that the Board notwithstanding his remonstrances persisted in therein retaining those lands.

3rd. That obstructions to the drainage of the district having formed at the outfall immediately above which his (Mr. F's.) lands are situated, he called on the Board to put the provisions of the Drainage Maintenance Act of 1868 in force for their removal; that the Board, adopting the views of their engineer--whom they had directed to make inquiry, called on the trustees of the district to carry out the works which he pointed out as necessary; that the trustees declined to execute that part of the works which was outside the limits of their district as shown on enrolled map, and that thereon the Board abandoned their requirement in regard to extending the drainage cut into deep water, thus failing to remedy a defect and meet a difficulty caused by their own error in the original construction of the works; and he now--on the ground that in consequence of the defect referred to he is in a worse position as regards the state of his lands than before the drainage works were executed--prays their Lordships that they will direct the Board to have a channel cleared through the sand bank outside the mouth of the Hind Drainage River into deep water.

With regard to the first of these complaints, the following is an outline of the facts; viz.

The drainage of the Hind river district was commenced in the year 1847, under the Summary Proceedings Clause of the Act 9 Vict. c. 4, the necessary majority of the proprietors having given their assents on the report of the inquiry made under the direction of the Board of Works, duly submitted to them, in which the extent of land capable of improvement was stated to be 2,800 acres, the estimated cost of the works (including 1,310*l.* chargeable to the county) 14,260*l.*, and the value of the benefit to be derived 1,050*l.*, or on an average about 7*s.* 6*d.* per acre, the report further stating that,--

"A very large proportion of the land to be brought under improvement by this measure is, even in summer, scarcely above the water surface of the river, and is almost useless during eight or nine months of the year."

In June 1849, the amount of 3*l.* per acre having been expended, it became necessary, under the provisions of the Act quoted, before proceeding further, to obtain the renewed or second assents of the proprietors to the work, and a supplement report was accordingly prepared and submitted to them, the estimated cost of the works being therein increased to 15,707*l.*, the extent of land to be improved to 3,400 acres, and the aggregate value of the improvement to 1,275*l.*, the average value per acre being retained at its former figures, viz. 7*s.* 6*d.* The proceeding with the works having been assented to by the requisite majority, which, in this case, included Major Fawcett, the then proprietor of the lands to which the present question refers, but who had withheld his assent on the first introduction of the measure, they were resumed.

In 1855, after much delay, caused mainly by want of funds, the works of the district were brought to a close, and the Commissioners of Inquiry appointed by the Treasury to give effect to the provisions of the Act 16 & 17 Vict. c. 130, with a view to determine the amount which should be charged on the district, caused a valuation of the benefit conferred to be made by Mr. C. Brasington, a very competent, and at same time entirely disinterested valuator.

The result of Mr. Brasington's inquiry was that he considered 2,960 acres to have been improved to an aggregate amount of 788*l.* per annum, or on an average to about 5*s.* 6*d.* per acre.

On that basis the Commissioners recommended to the Treasury that the amount which should be charged on the district should be limited to 11,500*l.* (the actual expenditure, exclusive of works chargeable to the county being found to amount to 18,539*l.*), and their Lordships having approved of the recommendation, the Commissioners of Public Works were instructed to take the necessary steps for giving effect thereto.

A draft award was accordingly prepared, copies distributed amongst the proprietors, their objections invited, and a meeting called for the 20th May 1856 to hear such as might be sent in. Mr. Fawcett was one of the objectors. He complained that his lands were not and could not be improved to the extent set forth in the award; that the works were incomplete and inefficient, and, further, that he had suffered loss and injury for which he considered compensation due to him.

Mr. Brunnington was thereon directed to revisit the lands and to reconsider his valuation, and, having done so, he stated that he adhered to his estimate as both fair and just in itself and relative to the valuation put on other and adjacent lands belonging to other proprietors [see figures on map herewith].

With regard to the state of the works, Mr. Forryth, one of the Board's principal engineers, was at the same time directed carefully to examine and report on them. The result of his inspection was that he found the works as reported by him; viz.,

"The main channel of the river from the outfall into Lough Ree to the northern boundary of Ardallagh-mere and the western branch, usually called the Rock-savage River, are in a state of great efficiency, and, as far as I could ascertain, they fully meet all the purposes intended."

But he recommended that some additional rock cutting at the upper end of the district should be carried out at an estimated cost of 200*l.*, to afford additional relief, and that work, with Treasury sanction, was done.

As a final result of the whole inquiry, the Commissioners recommended that the charge on the District should be reduced to 10,450*l.* (the expenditure having in the mean time increased to 19,469*l.*), and the Treasury having assented thereto, an award was, in accordance therewith, made final on the 11th July 1856.

With regard to the aggregate amount which Mr. Fawcett has had to pay under the Award, it is to be observed that the actual charge on his lands or the amount which in a single payment, in the first instance, would have paid off that charge, was 329*l.*, the larger amount named, viz. 14,062*l.*, including the interest accruing under the deferred mode of payment by instalments in the form of an annuity. The claim for compensation for injury, &c. before referred to is the subject of the second Memorial which Mr. Fawcett addressed to the Treasury in 1858. That claim was duly inquired into, and a sum of 51*l.*, based on a liberal estimate of that part of the injury done in respect of which alone the claim could be entertained, was offered with the Treasury consent to Mr. Fawcett, but was rejected by him, and a reference of his whole claim to arbitration demanded.

That demand was conceded, with the result that the arbitration decided that no compensation whatever was due, and on an appeal to a court of law a similar result, based however in that case on a point of law, was arrived at. Notwithstanding that decision, however, the Treasury, on the recommendation of this Board, again offered Mr. Fawcett the amount originally tendered, which was then accepted by him.

Reference has been made in the Memorials to a Navigation project which was contemplated in connection with the Hind River Drainage, the abandonment of which seriously prejudiced Mr. Fawcett's interests (as he alleges), and disappointed the expectations under which he gave his assent to the Drainage measure.

Such a project was no doubt contemplated and was abandoned, but the efficiency of the Drainage works or the measure of benefit to be derived therefrom was in no way affected thereby, nor was the assent given in any way conditional thereon.

2nd. In regard to the second complaint the facts are these:—

That while the lands formerly, i.e. previous to the drainage works, flooded by the overflowing of the Hind River were fully and at all seasons relieved by the operations, yet a small portion at the lower end of the district remained under the influence of the ordinary winter floods of the Shannon, and a still larger portion of course under those of extraordinary height.

Those facts were fully made known to Mr. Brunnington at the time of making his valuation, and were duly allowed for, as appears by his valuation note book.

The line of ordinary winter flood, as also that of the remarkable summer flood of 1801, were carefully traced on the lands, as shown on the map before referred to and herewith with reference to the complaints resulting in the Shannon Improvement Inquiry in 1874, and a valuation was made of the benefits which would be derived from the regulation of the Shannon waters in the event of the works of improvement being carried out by two valuers specially employed for the purpose, the one, Mr. C. Brunnington (before mentioned), on behalf of the public, the other, Mr. Lynan, on behalf of the proprietors. The result of that valuation was fully to confirm the correctness of that made in 1856 as regards the portion of Mr. Fawcett's lands (about 20 acres) included in the award of that year and again proposed to be included in the Shannon schedule, the present value being put down somewhat in excess of that at which as having been improved it was then (i.e. in 1856) reckoned.

The only question therefore open to Mr. Fawcett to object to was the additional value which the Shannon Improvement would confer. That question, however, he refused to enter into. The Shannon Improvement Act having fallen through the subject need not be pursued further, but a reference to the map is suggested in order that a clear view of the case may be obtained.

3rd. In regard to the recent action of the Board in connexion with the maintenance of the works of the district which Mr. Fawcett calls attention to, it is the case that the Board called on the trustees to carry out the works of maintenance pointed out as necessary by their assistant engineer, Mr. Green, and that the trustees declined to execute that portion which was outside their district as handed over to them.

The Board were under the belief that the shoal referred to "outside," was an actual obstruction to the discharge of the flood waters of the district, and being led to suppose that it had formed since the completion of the works and was due to the debris and sand brought down by the river they called on the trustees to remove or cut through the shoal.

Subsequently, the Board's views as to their powers and the trustee duties under such circumstances as those indicated were confirmed by the opinion of counsel, but a doubt having arisen in the mind of the chairman in regard to the matter, he personally visited the locality, and then found that in fact the shoal presented no obstruction to the flow of the water at any time, the fact being that the level of the lake, at whatever height it might stand, came up to the outfall or mouth of the river where the real obstruction existed, and which obstruction the trustees were then called on to remove, and have, it is believed, removed.

Under these circumstances the Board cannot recommend that Mr. Fawcett's demand that their Lordships should direct the shoal to be removed or cut through should be entertained.

Office of Public Works, Dublin,
20th March 1878.

(2.)

Treasury Chambers, 30th March 1878.

GENTLEMEN,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit herewith, for your information, with reference to Mr. Hornsey's letter of the 20th March, and the Memorandum enclosed therein relative to Mr. J. R. Fawcett's Memorial respecting certain matters connected with the Hind River Drainage, a copy of a letter which my Lords have this day caused to be addressed to Mr. Fawcett on the subject.

The Commissioners of
Public Works, Dublin.

I am, &c.
(Signed) CHARLES W. STROONGE.

(3.)

Treasury Chambers, 30th March 1878.

SIR,

I HAVE laid before the Lords Commissioners of Her Majesty's Treasury your Memorial, forwarded on the 29th of December last, praying that this Board will give directions to the Commissioners of Public Works, Ireland, to have a channel cleared out through the sand banks, and impediments existing outside the mouth of the Hind Drainage River, and I am desirous to acquaint you that my Lords are advised that the shoal referred to outside the mouth of the river presented no obstruction to the flow of the water at any time, the fact being that the level of the lake at whatever height it might stand comes up to the outfall or mouth of the river, where the real obstruction existed. As regards this obstruction, my Lords are informed that the trustees of the drainage district have been called on to remove it, and it is believed that they have removed it.

I am further desirous to state that my Lords, having made inquiry with respect to the other matters referred to in your Memorial, are not disposed to admit that you have any valid ground for complaining of the course which has been pursued.

I am, &c.
(Signed) CHARLES W. STROONGE,
Pro Sec.

John R. Fawcett, Esq.,
Per favour of Major Nolan, M.P.,
33, Duke Street, St. James's.